

NEW EMPLOYMENT PROVISIONS — RIGHTS AND PRIVILEGES

- 1. Would an employee who has converted to career status be released or laid off if it becomes necessary to terminate the employee during his or her probationary period? (4/13/2001)**

An employee who is involuntarily terminated during the probationary period is released pursuant to personnel policy or the applicable collective bargaining agreement, regardless of whether the employee was initially hired into a career appointment or converted to a career appointment from a limited appointment.

- 2. How does conversion from a limited appointment to a career appointment affect an employee's merit eligibility date? (4/13/2001)**

Merit eligibility dates are in accordance with local procedures for employees covered by Personnel Policies for Staff Members and in accordance with the applicable collective bargaining agreement for represented employees.

- 3. Are employees with preferential rehire rights disadvantaged vis- -vis employees who hold limited appointments and subsequently convert to career appointments without having competed for the position in an open recruitment? How should campuses handle this situation? (3/19/2001)**

Employees with preferential rehire rights are not disadvantaged vis- -vis employees who convert to career status since employees' preferential rehire rights are applied to vacant career positions. When an employee converts from a limited appointment to a career appointment, the position is not vacant. It is suggested that campuses consider conducting open recruitments at the front end for limited appointments that are expected to last for at least 5 months, especially if the position being filled is within a job group in which minorities or women are underutilized.

- 4. An employee holds two limited appointments in two different departments, each of which has converted to career appointments. The employee is eligible for a 400-hour probationary credit for position A and a 600-hour credit for position B. Does the employee convert to regular status in both positions when the probationary period for position B is completed (two months probationary period still remain for position A)? (2/6/2001)**

The employee will be required to serve a 6-month probationary period less the eligible credit for both positions A and B. Since a smaller probationary credit (i.e., 400 hours) is available for position A, the probationary period for that position will be longer than the probationary period for position B (i.e., 6 months less 400 hours for position A and 6 months less 600 hours for position B).

- 5. If a career employee is on preferential rehire and accepts a limited appointment during her/his period of preference, what happens to the preferential rehire and recall rights**

when the employee reaches the 1,000-hour threshold and the appointment converts to a career appointment? (2/6/2001)

Recall rights and preference end when an employee accepts any career position.

- 6. If an employee holds a 40% time limited appointment and converts to a career appointment, also at 40% time, what preferential rehire rights does the employee have if he or she is subsequently laid off? (2/6/2001)**

An employee who is appointed at less than 50% time and converts to career status would be eligible for preferential rehire in the event of layoff only at the same or a lesser percentage of time than the position from which the employee was laid off.

- 7. Will an employee who meets the employment 1,000-hour threshold and converts to a career appointment have a probationary period? (11/1/2000)**

Professional and support staff covered by the Personnel Policies for Staff Members and employees covered by collective bargaining agreements are required to serve a probationary period when appointed to a career position. An employee who is required to serve a probationary period under these provisions and who converts to a career position after reaching the 1,000-hour threshold will receive a credit of up to 1,000 hours toward their required probationary period, provided that the credited time was served in the same position and with the same supervisor that the employee had immediately prior to the career appointment.

- 8. Will the length of the probationary period for full-time employees who convert to career status be impacted since the 1,000-hour probationary period credit is just short of the usual 6-month probationary period? (11/1/2000)**

The length of the probationary period for full-time employees who convert to career status will not be impacted: these employees will be expected to serve a 6-month probationary period, including credited time from a limited appointment. Since 1,000 hours converts to 25 40-hour weeks, an employee who meets the 1,000 hour threshold and converts to career status may receive a credit toward the probationary period of up to 25 weeks, one week short of the required six-month probationary period. The credit is not a substitute for the 6-month probationary period; instead it shortens the probationary period that must be served as a career employee.

- 9. The proposed policy changes indicate that the probationary period credit applies only when the position and supervisor during the limited appointment are the same as those prior to the conversion to career status. However, the policy does not indicate what will happen when the supervisor and/or position changes. (12/20/2000)**

All Professional and Support Staff and employees covered by a collective bargaining agreement are required to serve a 6-month probationary period when appointed to a career position, regardless of whether the employee is a new hire or the employee converts from a limited appointment to a career appointment. However, an employee who converts from a limited appointment to a career appointment may be eligible for a credit of up to 1,000 hours. If the employee is ineligible for the credit, that employee will be required to serve a full 6-month probationary period.

10. Why does the supervisor need to be the same for an employee to receive the probationary period credit when he or she converts to career status? (11/9/2000)

This requirement is consistent with current personnel policy where a supervisor may extend the probationary period because there has been a change of supervisors. A supervisor, who is responsible for achieving the goals of a unit or department, needs an adequate amount of time to evaluate a new employee's work performance and general suitability for University employment. If there is a change of supervisors near the end of an employee's probationary period (or in this case, near the end of the employee's limited appointment), there may not be enough time for the new supervisor to adequately assess the employee's work performance.

11. Will an employee who holds a limited appointment be required to work at least 50% time prior to converting to career status to receive the credit toward the required probationary period? (12/1/2000)

No. In order to receive a probationary period credit, the only requirements are that the credited time be served in the same position and with the same supervisor as the career appointment.

12. If an employee reaches the 1,000-hour threshold and converts to a career appointment, when will that employee have property rights and become eligible for preferential rehire rights in the event of an indefinite layoff? (11/1/2000)

All career employees who have completed their probationary periods are eligible for preferential rehire rights, regardless of whether or not they converted to career status from a limited appointment. Employees who are serving a probationary period would be subject to release in the event of a workforce reduction, but they would not be subject to layoff nor eligible for preferential rehire.

13. If an employee who holds a limited appointment at less than 50% time converts to career status and subsequently is laid off, at what percentage time does the employee have preferential rehire rights to vacant career positions? (12/20/2000)

An employee who is appointed at less than 50% time and converts to career status would be eligible for preferential rehire in the event of layoff only at the same or a lesser percentage of time than the position from which the employee was laid off.

14. Will the casual proposal affect how seniority is calculated for purposes of layoff? (12/1/2000)

No. There will be no impact on the calculation of seniority points.

15. What is the impact of the proposal on family and medical leave? (11/9/2000)

There will be no impact on family and medical leave.

16. An open recruitment closes after 1/1/01. The employee who is temporarily filling this vacant position in a limited appointment (hired without a recruitment prior to 1/1/01) reaches the 1,000-hour threshold for conversion to career status. How does this impact the status of the temporary appointee and the status of the recruitment? Must the temporary appointee be terminated prior to reaching the 1,000-hour threshold to proceed with the open recruitment? (12/1/2000)

The department in this instance has the following options:

(1) release the temporary employee prior to reaching the 1,000 hours, and depending upon the duration of the search, a second temporary employee may be needed; or

(2) allow the employee to convert to career status if there is a continuing need for the employee's services.

There is no impact on the recruitment itself unless the temporary employee is a candidate. If the temporary employee is selected for the career position, s/he would receive a probationary period credit for the service, so long as the position held was with the same supervisor.

17. A career employee with ten years of employment goes on leave without pay for health reasons and plans to be out at least 10 months. An employee holding a limited appointment fills in for the career employee who is on leave and subsequently reaches the 1,000-hour threshold and converts to career status. The employee hired to fill in for the employee on leave has 15 years of prior career service with UC (without a break in service between the career service and the limited service). The department only has one funded FTE available. When the employee on leave returns to work, which of these employees will be subject to layoff? (12/1/2000)

Under the proposed personnel policies, departments will need to plan ahead so that employees hired strictly as temporary replacements for others on leave would not be subject to layoff upon attaining career status. Several options are available: (1) use of an employment contract (with an ending date) for the temporary appointee; (2) utilizing two or more temporary appointees for shorter durations; (3) using temporary pool employees; (4)

some locations allow employees on temporary funding (without an FTE) to attain career status.

In the specific example noted, if layoff is the only choice, the employee with the least amount of service would be laid off pursuant to personnel policy. In this instance, assuming that there are only two employees in the lay off unit, it would be the employee who returned from leave. This is a good example of why it will be critical that departments pro-actively monitor the number of hours that have accrued for each employee in the department who holds a limited appointment.

18. How will the employment proposal impact leave accruals? (11/9/2000)

The eligibility rules for sick leave and vacation leave will not change as a result of this proposal.

ADDITIONAL QUESTIONS ADDED JUNE 2001

19. Are employees who hold by-agreement appointments eligible for a 1,000 hour credit toward their probationary period? (6/6/2001)

No. Because hours are not associated with by-agreement appointments, only employees holding limited appointments are eligible for a probationary period credit of up to 1,000 hours.

20. When does the probationary period begin if an employee has been on pay status for more than 6 months in a casual appointment prior to 1/01/01 and subsequently converts to careers on 1/01/01 as a result of meeting the criteria for Look Back #1? My understanding is that if the employee has already served 6 months in the same position with the same supervisor prior to 1/01/01, the probationary period has already been satisfied. (6/6/2001)

The probationary period for all employees who are required to serve a probationary period and who convert to career status as a result of either Look Back #1 or Look Back #2 begins on the date that the action is taken to change the employee's appointment to a career appointment. The length of the probationary period for the employee in the example above is dependent on several factors. You should check the applicable personnel policy or collective bargaining agreement for details. It is important to note, however, for employees who are eligible for a credit of up to 1,000 hours, that 6 months or longer on pay status may or may not be equivalent to 1,000 hours on pay status, depending upon the number of hours worked in the employee's average workday. If an employee is eligible for a credit of up to 1,000 hours, you should check the Look Forward Guidelines for instructions on determining the probationary period end date. The Guidelines are posted on the University's website at: <http://exchange.ucop.edu/tempemp/eeguide.pdf>.

21. Staff Policy 60.H states that the right to recall or preference for reemployment ends for a variety of reasons, including retirement. We have identified several rehired retirees whose appointments will convert to career appointments as a result of Look Back #1 and #2. How would this policy be applied to these individuals should they be laid off at some point in the future? (6/29/2001)

Normally, an employee who has been laid off has lost his or her sole source of income. The rights to recall and preference for reemployment are intended to help alleviate this loss of income. If an employee who is receiving a University pension converts to career status and is subsequently laid off, that employee would not be eligible for recall and preference for reemployment since the employee is already retired.

